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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/948,530	10/09/1997	ALEC MILOSLAVSKY	P3253	7093

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

32

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/948,530

Applicant(s)

MILOSLAVSKY, ALEC

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-9 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/7/2003 has been entered.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg (USP 6064730) in view of Becker (USP 6366575).

Regarding claims 6-8, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8) an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent workstation at a center), comprising an initial call-processing system in the Internet receiving IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the at least one call

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center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a call; See col. 4, lines 1-37) by using activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses at agent workstations in the at least one call center to route the incoming IPNT calls (Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63) and a SCP which connects to CTI via an internet (See col. 4, lines 1-38 and Fig 2, Ref 250 and 275). However, Ginberg fail to disclose a SCP which receives the agent information from a plurality of call center for storing in the database in order to route the incoming calls to the call center. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a method and system which including a call center router and a collect data server having a database which stores the received about the status of the agents at the call center (Fig 2, Ref 36 is call routing center and CTI data collection server for collecting the status of the agents of the call center for storing into its database and call center router using this information to route the incoming calls to the call center) in order to route the incoming calls to the call centers to the agents (See col. 7, lines 34-52 to col. 9, lines 43) and a plurality of workstations which couples to a LAN (Fig 1, Ref 54 is a work stations and Ref 56 is a LAN).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to couple a plurality of call centers with internet for reporting the agent information to a data collect server and retrieve and using the information to route the incoming calls to the call center as disclosed by Becker's system and method into Ginberg's system. The motivation would have been to perform a load balancing between the call centers in order to reduce a waiting time of a call center.

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4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg and Becker in view of Bateman (USP 5884032).

Ginsberg does not disclose a CTI and a plurality of computers are connected on a LAN and a data server for storing customer information. However, in the same view of endeavor, Bateman discloses a call center discloses a CTI, data server and computers are connected on a LAN (Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a local area network at a call center for connecting a plurality of computers as disclosed by Bateman into the system of Becker and Ginsberg call routing system. The motivation would have been to reduce cost of the call center. Even without, the teaching of Bateman, one of ordinary skill in the art would know how to connect the computers together using a LAN because LAN is well known and expected in the art.

5. Claims 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (USP 5848143) in view of Becker (USP 6044144).

Andrews teaches (Figs 1-15 and col. 1, lines 15 to col. 17, lines 61) an Internet protocol network telephony system having a routing server (48 or 480) and database (54 or 476) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT capable center (400), comprising an initial call-processing system (408) in the Internet for receiving calls from customers (410,412) in the Internet (408); the routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See

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figure 9, col. 11, and lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center; located in the Internet and routing the incoming call to the call centers. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a SCP (Fig 2, Ref 36 and 38 which stores the information about the call centers and using this information for routing the incoming call); CTI processor (Fig 2, Ref 60a) for collecting the information about the call center and transfer it to a data collected server and call center router (SCP read on the Ref 38 and 36 of Fig 2 which used to route the incoming calls to the call centers; See col. 7, lines 34-52 to col. 9, lines 43). Therefore, it would have been obvious to one skilled in the art to apply the teaching of Becker into Andrews' system to have the database located remotely from the call centers with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center being overload in the internet telephony.

### *Conclusion*

Brown (USP 6385646) discloses a method and apparatus for routing incoming call to the agents.

Berkowitz (USP 5903877) discloses a system for processing the transaction at the call center.

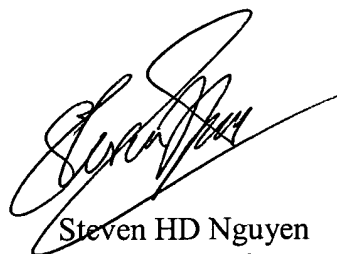
Barkan (USP 6366575) discloses a method and apparatus for routing incoming call to the agents of the call centers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', is written over a horizontal line.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
March 23, 2003